

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-01556

COUNSEL: NONE

NOV 15 1997

HEARING DESIRED: NO

Applicant requests that his under other than honorable conditions (UOTHC) discharge be upgraded to honorable. Applicant's submission is at Exhibit A.

On 28 Oct 92, the Air Force Discharge Review Board (AFDRB) considered and denied the applicant's request for upgrade of his UOTHC discharge to honorable (Exhibit B).

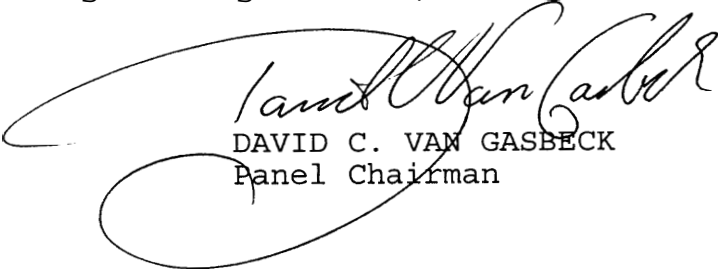
The appropriate Air Force office evaluated applicant's request and provided an advisory opinion to the Board recommending the application be denied (Exhibit C). The advisory opinion was forwarded to the applicant for review and response (Exhibit D). As of this date, no response has been received by this office.

After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the advisory opinion appear to be based on the evidence of record and have not been rebuttd by applicant. Absent persuasive evidence applicant was denied rights to which entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record.

Accordingly, applicant's request is denied.

The Board staff is directed to inform applicant of this decision. Applicant should also be informed that this decision is final and will only be reconsidered upon the presentation of new relevant evidence which was not reasonably available at the time the application was filed.

Members of the Board Mr. David C. Van Gasbeck, Mr. Michael P. Higgins, and Mr. Patrick R. Wheeler considered this application on 13 Nov 97 in accordance with the provisions of Air Force Instruction 36-2603 and the governing statute, 10 U.S.C. 1552.


DAVID C. VAN GASBECK
Panel Chairman

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. Advisory Opinions
- D. SAF/MIBR Ltr Forwarding Advisory Opinions
- E. Applicant's Response



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE PERSONNEL CENTER
RANDOLPH AIR FORCE BASE TEXAS



JUN 21 1997

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPRP
550 C Street West Ste 11
Randolph AFB TX 78150-4713

SUBJECT: Application for Correction of Military Records - [REDACTED]

The applicant, while serving in the grade of master sergeant, was discharged from the Air Force 19 Oct 90 under the provisions of AFR 39-10 (Vol Request in lieu of Trial by Court Martial) with **an** other than honorable conditions discharge. He served 15 years 11 months **and** 12 days total active service.

Requested Action. The applicant is requesting **an** upgrade of **his** discharge to honorable.

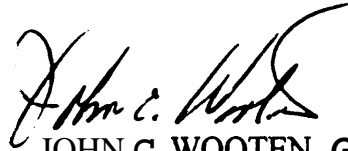

Basis for Request. Applicant claims that his under other honorable conditions **was** unjust because it **only** reflects the last few months of **his** service history when he made **a** mistake **m** his life. That **this** decision has totally erased the 15 years **of** honorable, dedicated and meritorious service he gave to the Air Force.

Facts. The applicant was initially investigated for possible wrongful use of cocaine after he refused a lawful order of his commander to submit **to a** drug urinalysis test. Charges alleging those violations of the UCMJ were preferred on 21 Jun 90 and referred to trial by general court martial on 11 Jul 90. Subsequently, the applicant was arrested **and** charged by civilian authorities for possession with intent to distribute cocaine. Based upon this information, **a** further investigation was conducted by Air Force authorities. This investigation resulted in additional "wrongful use of cocaine" charges being preferred on 6 Sep 90 and referred to trail by general court martial. The applicant requested discharge in lieu of general court martial on 12 Sep 90. Because the **Art** 32, UCMJ, investigation had been forwarded to the numbered **Air** Force, the **GCM** authority, the applicant's request for discharge had to be forwarded to the GCM authority for a decision. On 11 Oct 90, the GCM authority approved the request for discharge in lieu of court martial and directed that the applicant be given a discharge under other than honorable conditions.

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Discussion. This case has ~~been~~ reviewed for separation processing and there are no errors or irregularities causing an injustice **to** the applicant. The discharge complies with directives in effect **at** the time of his discharge. Records indicate member's military service was reviewed and appropriate action was taken.

Recommendation. The discharge ~~was~~ consistent with the procedural and substantive requirements of the discharge regulation and the applicant was provided full administrative due process. Applicant did not identify any specific errors in the separation processing nor provide facts which warrant **an** upgrade of **his** discharge. Accordingly, we **recomm**end applicant's request be denied. He has not filed **a** timely request.



JOHN C. WOOTEN, GS-9

Military Personnel Mgmt Spec
Programs and Procedures Branch
Dir of Personnel Program Management

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